

California Regional Water Quality Control Board
Santa Ana Region

UPDATE TO THE

August 13, 2004

AGENDA

The following items have been excluded from the agenda for the reasons indicated below:

Item No:

7. **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement** - Rolando Romero, 20101 Jefferson Street, Perris, Riverside County – APN 295-040-028.
Request for Appeal has been withdrawn.

11. **Waste Discharge Requirements, March Air Reserve Base, (NPDES NO. CA0111007)**. Waste Discharge Requirements for United States Air Force, March Air Reserve Base, Storm Water Runoff, Riverside County.
This item has been postponed.

California Regional Water Quality Control Board
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ITEM: 7

SUBJECT: Appeal for an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use, Rolando Romero, 20101 Jefferson Street, Perris, Riverside County, APN 295-040-028

DISCUSSION:

On July 6, 2004, Mr. Rolando Romero submitted a letter requesting approval for the use of an already installed second septic tank-subsurface disposal system at 20101 Jefferson, Perris. There are two existing structures on the property. The structures consist of an 836 sq. ft. single family home and an un-permitted, 552 sq. ft. mobile home. The property is approximately 0.74 acres in size. Mr. Romero's July 6, 2004 letter also indicated that the single-family home will be utilized for rental purposes and that the mobile home will be used as a residence by his parents, who are retiring. This area of the County is unsewered.

Mr. Romero purchased the property in June 2003. Mr. Romero indicated that the house and mobile home were already on this property when he purchased it. The original home utilizing a septic system was constructed in 1942. The second septic tank system and mobile home were plumbed/constructed by the seller of the property without obtaining permit(s) from Riverside County Department of Building and Safety. Mr. Romero indicated that he was not advised of this fact prior to purchasing the property.

On June 17, 2004, Mr. Romero received a notice of violation from the County of Riverside, Code Enforcement Division, advising him that the mobile home was installed without the required permits. He is now confronted with the need to satisfy County requirements. In part, the County required that Mr. Romero obtain Regional Board approval for the use of the second subsurface disposal system.

On October 13, 1989, the Regional Board amended the Basin Plan to include minimum lot size requirements for new developments using on-site septic tank-subsurface disposal systems. This Basin Plan amendment required new developments proposing to use septic tank systems to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. The minimum lot size requirements state that an existing development on land zoned single-family residential (such as Mr. Romero's) will be considered a new development if the addition of any freestanding structures that will result in additional flows to the septic system is proposed. The mobile home is a freestanding structure, and a second septic system was installed to accommodate the increased wastewater flows. As such, the development on Mr. Romero's property is a new development for the purposes of the minimum lot size requirements. Since the lot is just over one-half acre in size, the addition of the second septic tank system created a septic tank density (approximately 0.37 acres/dwelling unit) in violation of the minimum lot size criteria of one dwelling unit per half acre. Board staff advised Mr. Romero that because the development does not comply with the minimum lot size

requirements, staff could not approve the use of the second septic system for the mobile home. Mr. Romero is appealing staff's denial of an exemption from the minimum lot size requirements.

The Board's minimum lot size requirements stipulate that additional installations (rooms/bathroom) to single family residential developments are exempt from the minimum lot size requirements if the existing septic system could accommodate the additional wastewater flows. In formulating these minimum lot size requirements, the Board clearly wanted to prevent the addition of structures that had the potential to result in substantial increases in wastewater flows. Mr. Romero's mobile home obviously has this potential. Equally important, the minimum lot size exemption criteria do not contemplate the addition of a second septic tank system to accommodate new wastewater flows, even from additions to existing dwellings. The development on Mr. Romero's property simply does not comply with the letter or intent of the minimum lot size requirements.

Board staff has advised Mr. Romero of an option identified in the Board's minimum lot size exemption criteria, which allows project proponents to implement an acceptable offset project. Mr. Romero could continue the use of 2 septic systems on his property if he connected another septic system (that would not otherwise be required to be connected to the sewer) to the sewer. To date, Mr. Romero has not expressed an interest in pursuing this option.

RECOMMENDATION:

Deny Mr. Romero's request for an exemption from the minimum lot size requirements.

Comments were solicited from the following:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
Riverside County Department of Environmental Health – Sam Martinez/Greg Dellenbach
Riverside County Department of Building and Safety – Jim Miller/Julio Pineda
Riverside County Department of Planning – Mark Balys